

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Peter Castellanos,

Petitioner

v.

Warden B. Stroud, *et al.*,

Respondents

**2:16-cv-00966-JAD-GWF**

**Order Screening and Filing Petition,  
Ordering Response, and Denying  
Motion for Appointment of Counsel**

[ECF No. 2]

I have screened Nevada state prisoner Peter Castellanos's § 2554 petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and find that it warrants a response. I therefore direct the Clerk to file Castellanos's petition and serve it on respondents for a response.

Castellanos has also filed a motion for appointment of counsel.<sup>1</sup> There is no constitutional right to counsel in federal habeas corpus proceedings,<sup>2</sup> but a court may appoint counsel to represent a financially eligible person when the interests of justice so require.<sup>3</sup> To determine whether appointment of counsel is warranted, courts consider the likelihood of success on the merits and the petitioner's ability to articulate his claims pro se in light of the complexity of the legal issues involved.<sup>4</sup> The issues raised in this case are not so complex that appointment of counsel is warranted, so I deny Castellanos's motion.

Accordingly, IT IS HEREBY ORDERED that **Castellanos's motion for appointment of counsel [ECF No. 2] is DENIED.**

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<sup>1</sup> ECF No. 2.

<sup>2</sup> *McCleskey v. Zant*, 499 U.S. 467, 495 (1991).

<sup>3</sup> 18 U.S.C. § 3006A(a)(2)(B).

<sup>4</sup> *Weygandt v. Look*, 718 F.2d 952 (9th Cir. 1983).

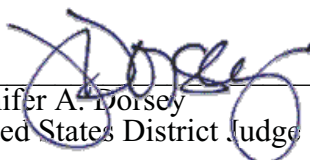
1 IT IS FURTHER ORDERED that the Clerk of Court is instructed to file the petition [ECF  
2 No. 1-1], add Adam Paul Laxalt, Attorney General for the State of Nevada, as counsel for  
3 respondents, and serve respondents with a copy of the petition and this order. The Clerk of Court is  
4 further instructed to send Castellanos a copy of his petition. **Counsel for respondents must enter a  
5 notice of appearance by July 29, 2016.**

6 IT IS FURTHER ORDERED that respondents will have 45 days from receipt of the petition  
7 to answer or otherwise respond. Respondents must raise all affirmative defenses in their initial  
8 responsive pleading, including untimeliness, lack of exhaustion, and procedural default. Successive  
9 dismissal motions will not be entertained. If respondents file and serve an answer, they must comply  
10 with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and  
11 Castellanos will then have 45 days from receipt of the answer to file a reply. If respondents file a  
12 motion, the briefing schedule under Local Rule 7-2 will apply.

13 IT IS FURTHER ORDERED that any exhibits must be filed with a separate index of exhibits  
14 identifying each by number or letter. Any attachments filed in CM/ECF must be identified by the  
15 numbers or letters of the exhibit in the attachment. A hard copy of any state-court record exhibits  
16 must be forwarded to the staff attorneys in Las Vegas.

17 IT IS FURTHER ORDERED that, from this point forward, Costellanos must serve on  
18 respondents (or if counsel has appeared for respondents, on respondents' counsel) a copy of every  
19 pleading, motion, or other document filed in this case. Castellanos must include with the original  
20 paper submitted for filing a certificate stating the date that a true and correct copy of the document  
21 was mailed to respondents or their counsel. The court may disregard any filing that does not include  
22 a certificate of service.

23 Dated this 15th day of June, 2016.

24   
25 Jennifer A. Dorsey  
26 United States District Judge  
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